

# Examiner-Initiated Interview Summary

Application No.

09/342,866

Applicant(s)

LIN, WAYNE W.

Examiner

Jeffrey A. Smith

Art Unit

3625

## All Participants:

(1) Jeffrey A. Smith.

(2) Wayne W. Lin.

Status of Application: \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Date of Interview: 15 September 2005

Time: \_\_\_\_\_

## Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

## Part I.

Rejection(s) discussed:

Claims discussed:

35-44

Prior art documents discussed:

Williams (US Pat. No. 4,869,500)

## Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

## Part III.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

\_\_\_\_\_  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

The Examiner indicated that claims 35-44 were anticipated and/or obvious in view of newly discovered prior art to Williams. The Examiner identified Mr. Lin's options as having prosecution on these claims reopened or authorizing an Examiner's amendment in order to avoid rejections based on Williams. Mr. Lin authorized the cancellation of claims 35-44. The Examiner identified Mr. Lin's option to file a continuation during the pendency of this application in order to continue prosecution of claims 35-44.

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*Ex's Amnt 35/1*  
*L. Ellis*  
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**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Wayne W. Lin on September 15, 2005.

The application has been amended as follows:

***In the Claims***

Claims 35-44 have been cancelled.

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### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

#### Regarding claim 1

The prior art of record neither anticipates a method of doing business over a global communications network comprising, *inter alia*, the steps: receiving data from the buyer over a global communications network, said data representing the performance of said buyer during a Price-Determining-Activity (PDA); and determining the price of a product based at least partially upon the data received, said price being within a price range and scaled to the performance of the buyer.

#### Regarding claim 13

The prior art of record neither anticipates a method of determining a price of a product using a global communications network, comprising, *inter alia*, the steps: accepting acknowledgement from the buyer representing an intent of the buyer to buy the first product at a price to be determined based upon a performance of the buyer while participating in a Price-Determining-Activity (PDA), said acknowledgement being communicated over the global communications network; and

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assigning a price to the product, said price being scaled to the performance of the buyer.

Regarding claim 19

Claim 9 is a system claim (parallel in subject matter to claim 13) which recites a computer server having access to a global communications network, and being programmed to, *inter alia*: accept acknowledgement from the buyer representing an intent of the buyer to buy the first product at a price to be determined based upon a performance of the buyer while participating in a Price-Determining-Activity (PDA), said acknowledgement being communicated over the global communications network; and assign a price to the product, said price being scaled to the performance of the buyer.

As recognized by the Board of Appeals in its Decision on Appeal mailed July 21, 2005, Marino, or any other prior art of record, does not teach a scaling feature as recited in claims 1, 13, and 19. Such scaling feature is directed to determining or assigning a price to a product based, at least in part, upon a buyer's performance in a Price-Determining-Activity.

The Examiner also notes newly cited prior art to Williams (U.S. Patent No. 4,869,500). Williams teaches a method of

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assigning a price to a product comprising the steps:  
determining a performance of a buyer during a Price-Determining-Activity; and assigning a price to the product, said price being scaled to the performance of the buyer. See col. 2, lines 40-54. The Examiner notes, however, that the Williams invention is embodied in a stand-alone vending machine (col. 1, lines 5-9) which is not networked in any manner. Accordingly, there is no teaching or suggestion in Williams, or any other prior art of record, that would provide motivation to one of ordinary skill in the art to include the transmission or receipt of data over a global communications network.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffrey A. Smith  
Primary Examiner  
Art Unit 3625

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